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In the High Court of Punjab & Haryana at Chandigarh.

Date of decision : 16.11.2007.

M/s. Satkartar H.P. Centre ...Petitioner.

vs.

State of Punjab and others ...Respondents.

Coram: **Hon'ble Mr. Justice K.S.Garewal.**
Hon'ble Mr. Justice R.S.Madan.

Present: Mr.D.D.Sharma,Advocate,for the petitioner.
Mr.Y.K.Sharma, Deputy Advocate General, Punjab,
for respondents no.1 and 2.
Mr.Amit Dhawan,Advocate,for respondent no.3.

R.S.Madan, J.

The petitioner has impugned the notification dated 20.2.2006, Annexure P1, vide which the limits of Municipal Council, Kharar, was extended by including some area of Village Sante Majra, which included Filling Station (Petrol Pump) installed by the petitioner in the year 2004. The main grouse of the petitioner is that no notice was served upon him before extending the limits of Municipal Council and some of the area which was quite close to the boundary of respondent- Municipal Council was left out because of the political influence of various persons of that area. The petitioner, thus, prayed that he was not afforded an opportunity to file objection in writing as per the requirement of Section 5 of the Punjab Municipal Act, 1911 as amended by the Punjab Municipal (Amendment) Act, 1994 (for short, the Act"), by the Government. Therefore, he has been deprived of his right to contest the notification issued by the Government. The petitioner, thus, prayed that the notification issued by the Government

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(Annexure P1) be quashed.

Upon notice, the petition was contested by the respondents. Respondent no.3 in the written statement submitted that initially on 22.11.2005 a notification under Section 5 (2) of the Act was issued by respondent no.1 for extension of the territorial limit of Municipal Council, Kharar. The said notification was published in various newspapers i.e. The Daily Ajit (Punjabi), Daily Punjab Kesari (Hindi) and Daily Hindustan Times (English). A true copy of the news item published in the Daily Ajit published on 3.12.2005 has been annexed as Annexure R1, whereby the Government has invited the objections from the public at large with respect to the extension of the territorial limits of Municipal Council, Kharar, to be filed within six months.

The said objections were heard by the Principal Secretary, Department of Local Bodies, Punjab, by giving personal hearing on 31.1.2006 to the objectors. The objections of all the objectors were finally disposed of on 3.2.2006 by passing a speaking order which was circulated to all concerned vide Endst. No.10/18/2003-2LG3/842-958 dated 10.2.2006. Consequent upon the decision of the objections, the final notification dated 20.2.2006, Annexure P1, was issued under Section 5 (1) of the Act, by respondent no.1 mentioning schedule of boundaries of the extended territorial limits of Municipal Council, Kharar. It is also submitted by respondent no.3 in the written statement that all the mandatory requirements as stipulated under the Act were complied with by the respondents. It was, thus, prayed that the writ petition challenging the notification dated 20.2.2006 cannot be allowed on the simple ground that the petitioner has not filed the objections.

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To extend or reduce the limits of Municipal Council/ Municipal Committee is the prerogative of the Government. Learned counsel for the petitioner could not convince us as to how the main notification is the outcome of any political motive or malafide intention and against the principles of natural justice. The apprehension of the petitioner that on account of inclusion of area of Village Sante Majra in the Municipal Council, he has to pay local taxes imposed by the Municipal Council while running a filling station, is no ground to quash the notification.

The other contention of the petitioner that no notice was served upon him to file objections against notification dated 20.2.2006 is also not tenable because earlier notification dated 22.11.2005 under Section 5 (2) of the Punjab Municipal Act, 1911, was issued in various newspapers to enable the affected persons to prefer their objections before the competent authority. In response to the said notification, several persons filed objections which were considered by the Principal Secretary, Department of Local Bodies, Punjab, who did not find any force in their objections and it was only thereafter that the final notification dated 20.2.2006 (Annexure P1) was published in the newspapers after considering all parameters as detailed under the Punjab Municipal Act, 1911.

No other point was urged before us.

This petition is devoid of merits and it is dismissed.

(R.S.Madan)
Judge

16.11.2007. **(K.S.Garewal)**
vs. **Judge**.